

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHAWN BULLARD,

Plaintiff,

v.

CITY OF PHILADELPHIA,

Defendant.

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CIVIL ACTION

NO. 10-7223

ORDER

AND NOW, this 13th day of February 2012, upon consideration of Defendant's Motion for Summary Judgment (Doc. No. 11), Plaintiff's response thereto, Plaintiff's Motion for Summary Judgment (Doc. No. 12), and Defendant's response thereto, and for the reasons stated in the Opinion filed this day, it is hereby **ORDERED** as follows:

1. Defendant's Motion for Summary Judgment is **DENIED**;
2. Plaintiff's Motion for Summary Judgment is **GRANTED in part and DENIED in part**:
 - a. Plaintiff's Motion is **GRANTED** and summary judgment is entered in favor of Plaintiff and against Defendant on Count I;
 - b. Plaintiff's Motion is **DENIED** in all other respects.

It is so **ORDERED**.

BY THE COURT:

/s/ **Hon. Cynthia M. Rufe**

HON. CYNTHIA M. RUFÉ